

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEIRDRE NEWSOM,

Plaintiff,

-against-

AMERICAN AIRLINES INC.,

Defendant.

23-CV-5889 (LTS)

ORDER TO SHOW CAUSE

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. On September 6, 2023, the Court dismissed the complaint because Plaintiff did not pay the fees to bring a civil action in this court or request that the fees be waived. On February 27, 2024, the Court denied Plaintiff's letter-motion, filed on February 16, 2024, asking that the action be placed under seal. In that order, the Court notified Plaintiff that, in the future, the only documents the Clerk of Court would accept for filing are documents directed to the United States Court of Appeals for the Second Circuit and warned Plaintiff that should she file documents in the future, that are frivolous or meritless, the Court would direct Plaintiff to show cause why she should not be barred from filing further documents in this action.

Plaintiff subsequently sent to the Clerk's Office, by facsimile, two letters asking the Clerk of Court to restrict access to this closed case. These submissions, which essentially ask the Clerk of Court for relief the Court has already denied,<sup>1</sup> are in direct violation of the Court's February 27, 2024 order notifying Plaintiff that the only submissions the Clerk of Court would accept for

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<sup>1</sup> Plaintiff asks that her name be removed from all court documents, electronic records, and third-party online platforms not associated with the court. The Clerk's Office of this court can only seal records maintained by the court.

filing are submissions directed to the Court of Appeals. Moreover, because Plaintiff submitted these documents by facsimile, she is in violation of the court's standing order that plaintiffs who are proceeding *pro se* must file all documents to the Pro Se Unit, by regular mail or in person.<sup>2</sup> *See Standing Order M10-468, Doc. No. 58, In the Matter of Pro Se Litigation* (Oct. 31, 1996).

### CONCLUSION

Accordingly, the Court orders Plaintiff to show cause why she should not be barred from filing any further documents in this action, except documents directed to the Court of Appeals. *See Moates v. Barkley*, 147 F.3d 207, 208 (2d Cir. 1998) (per curiam) ("The unequivocal rule in this circuit is that the district court may not impose a filing injunction on a litigant sua sponte without providing the litigant with notice and an opportunity to be heard."). Within 30 days of the date of this order, Plaintiff must submit a declaration setting forth good cause why this injunction should not be imposed upon her. The form must be submitted by mail to the Pro Se Intake Unit at Room 120, 500 Pearl Street, New York, NY 10007, or in person to the Pro Se Intake Unit at Room 105, 40 Foley Square, New York, NY 10007, or 300 Quarropas Street, White Plains, NY 10601. A declaration form is attached to this order.

If Plaintiff fails to submit a declaration within the time allowed, or if Plaintiff's declaration does not set forth good cause why this injunction should not be entered, she will be barred from filing any further documents in this action except documents directed to the Court of Appeals.

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<sup>2</sup> Individuals proceeding *pro se* also may file documents by email, addressed to the Pro Se Unit, pursuant to the court's April 1, 2020 standing order. *See Standing Order M10-468, No. 20-MC-0179, In Re: Coronavirus/COVID-19 pandemic* (April 1, 2020).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 2, 2024  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Fill in above the full name of each plaintiff or petitioner.

Case No. \_\_\_\_\_ CV \_\_\_\_\_

-against-

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Fill in above the full name of each defendant or respondent.

**DECLARATION**

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Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's Motion for Summary Judgment."

I, \_\_\_\_\_, declare under penalty of perjury that the following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

Executed on (date)	Signature		
Name	Prison Identification # (if incarcerated)		
Address	City	State	Zip Code
Telephone Number (if available)	E-mail Address (if available)		